

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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|---|-------------------------------|
| IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 | 03 MDL 1570 (RCC)<br>ECF Case |
| <i>This document relates to:</i>              |                               |

*World Trade Center Properties LLC, et al. v. Al Baraka, et al.*, 04 CV 7280 (S.D.N.Y.)  
*Euro Brokers, et al. v. Al Baraka, et al.*, 04 CV 7279 (S.D.N.Y.)  
*Federal Insurance Company, et al. v. Al Qaida, et al.*, 03 CV 6978 (S.D.N.Y.)  
*Estate of John P. O'Neill, Sr., on behalf of John P. O'Neill, Sr., deceased, and on behalf of decedent's heirs-at-law, et al. V. Al Baraka Inv. and Dev. Corp., et al.*, 04 CV 1923 (S.D.N.Y.)  
*New York Marine and General Insurance Co. v. Al Qaida, et al.*, 04 CV 6105 (S.D.N.Y.)  
*Continental Casualty Company v. Al Qaida*, 04 CV 5970 (S.D.N.Y.)

**DECLARATION OF JUSTIN BRAUN KAPLAN IN SUPPORT OF PLAINTIFFS' MEMORANDUM  
OF LAW IN OPPOSITION TO MOTION TO DISMISS FILED BY DEFENDANT YASSIN  
ABDULLAH KADI**

Justin Braun Kaplan declares as follows:

1. I am an Associate at the firm of Motley Rice, LLC, counsel for Plaintiffs in *World Trade Center Properties LLC, et al. v. Al Baraka, et al.*, 04 CV 7280 (RCC), and *Euro Brokers, et al. v. Al Baraka, et al.*, 04 CV 7279 (RCC). I submit this Declaration in support of Plaintiffs' Memorandum of Law in Opposition to Motion to Dismiss filed by defendant Yassin Abdullah Kadi ("Kadi").

2. Exhibit 1 is a true and accurate copy of the Affidavit of Michael E. Elsner including Attachments 1-10 referenced therein, executed on October 15, 2004, and filed with this Court that same day in the matter of *In Re Terrorist Attacks on September 11, 2001*, MDL No. 1570 (RCC), docket # 503, in support of Plaintiffs' Memorandum of

Law in Opposition to Defendant Yassin Abdullah Al Kadi's Motion to Dismiss with Supporting Points and Authorities.

3. Exhibit 2 is a true and accurate copy of Proof of Publication for *Al-Quds Al-Arabi* and the *International Herald Tribune*.

4. Exhibit 3 is a true and accurate copy of selected Saudi media reports.

5. Exhibit 4 is a true and accurate copy of an appendix summarizing Plaintiffs' allegations against Defendant Kadi.

6. Exhibit 5 is a true and accurate copy of the Testimony of Former National Security Advisor Richard A. Clarke before the United States Senate Banking Committee, October 22, 2003. [http://banking.senate.gov/\\_files/clarke.pdf](http://banking.senate.gov/_files/clarke.pdf)

7. Exhibit 6 is a true and accurate copy of the Government's Evidentiary Proffer Supporting the Admissibility of Coconspirator Statements," USA v. Arnaout (USDC, Northern District of Illinois, Eastern Division), January 29, 2003

8. Exhibit 7 is a true and accurate copy of "Osama Bin Laden: I bought the Jihad groups with my own money," *Ruz al-Yusuf*, June 17, 1996.

9. Exhibit 8 is a true and accurate copy of Muwafaq Netherlands, official abstract, 2005.

10. Exhibit 9 is a true and accurate copy of the U.S. Treasury Department Press Release, "United States Designates bin Laden Loyalist," February 24, 2004. <http://www.treas.gov/press/releases/js1190.htm>.

11. Exhibit 10 is a true and accurate copy of the Substitution for the Testimony of Khalid Sheikh Mohammed, Exhibit DX-0941; US v. Moussaoui.

12. Exhibit 11 is a true and accurate copy of "Albania: Officials Crack Down

on Terror Suspects," RFE/RL, January 27, 2002.

<http://www.balkanpeace.org/hed/archive/jan02/hed4610.shtml>

13. Exhibit 12 is a true and accurate copy of a fax on Cavallo Limited letterhead sent from Waleed Abu Sheikha to Faisal Fainance [*sic*], attn: Mr. Sabri Hassanein, January 20, 1999.


14. Exhibit 13 is a true and accurate copy of the U.S. Treasury Department Press Release, "Treasury Designates MIRA for Support to Al Qaida," July 14, 2005. <http://www.treasury.gov/press/releases/js2632.htm>

15. Exhibit 14 is a true and accurate copy of the Supplemental Request for assistance in the Investigation of the Safa Group, US Attorney Paul J. McNulty, December 10, 2002

16. Exhibit 15 is a true and accurate copy of a Yassin Kadi Investments Portfolio abstract, 10/16/2001.

17. Exhibit 16 is a true and accurate copy of an image of a service package addressed to Defendant Kadi in Jeddah, Saudi Arabia, and returned unopened to the United States.

Executed on April 11, 2006.

  
Justin Braun Kaplan